IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No.67l2 of 2005

Om Geetanjali Coop HSC & Ors.. Petitioners

vs

The State of Mah and ors...Respondents

Mr Vijay Patil for petitioners

Mr. S.R.Mishra for respondent no.8

Mr V S Paradkar for Ms Swati E Paradkar for R Nos. 5 to 7

CORAM: S.U.KAMDAR J.

Dated 16.l2.2005

P.C:

. The present petition challenges the order passed by the Minister for State on 24.8.2004. By the said order the revision application preferred by the original owner of the property has been allowed and the registration certificate issued in favour of the coop society - flat purchasers has been cancelled. It is not disputed that the original owner had entered into an agreement for development of the said land and pursuant thereto the builder

has developed the plot. The petitioners are flat purchasers in respect of the building which has been constructed on the said land. Once flat holders have purchased the said flats then they are entitled in law to com together and apply for registration of the society of the flat purchasers in accordance with the provisions of the Maharashtra Flat Ownership Act,l973 as well as the agreement entered into with the builder, the original owner having parted with the land under the agreement for sale is not entitled to claim the said property by seeking cancellation of the registration of the society which has been formed in favour of the petitioner- members. In that view of the matter the impugned order dated 24.8.2004 is quashed and set aside. The original order of registration of the society dated l3.2.l997 is confirmed. It is made clear that if the respondent nos. 5 to 7 are flat purchasers then it will be open for them to apply to the society for membership. If such application is made petitioner society will consider the same in accordance with law.

. Petition is disposed of accordingly with no order as to costs. Certified copy expedited.